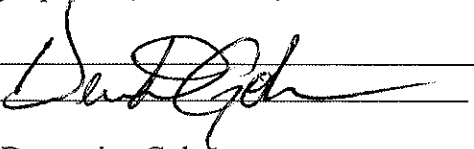


Response to Defendants' proposed finding of facts

- 1) Disputed. Defendants were parked in an empty lot on the south side of w. Burleigh and 30th street (Gohre's accomp. Decl. #4, #6)
- 2) Disputed. Gohre was already aware of the defendants' presence as they were sitting in the same spot when Gohre first walked pass (#4, #6) Gohre did not "suddenly" change directions (#4, #5) nor did Gohre grab anything in his left pocket (#9, #10, #11, #12, #13)
- 3) Disputed. Gohre did not "suddenly" change directions. (#4, #5, #6) Gohre was not startled by police presence (#4, #5, #6) nor did Gohre walk into a building(#7)
- 4) Disputed. Gohre did not exhibit any suspicious Behavior. (#1-13)
- 5) Disputed. Boyack's first attempted contact with Gohre was Called from inside the squad car (#17)
- 6) Disputed. Boyack and Milone did not give Gohre several commands to stop. Boyack asked Gohre "Can I ask you some questions?"(#17) Gohre did not scream at officers nor did he say "Do not touch me" Gohre responded to Boyack's question with "No, I work in this building, I have to get back to work" (#18) and when approached by officers Gohre, with his hands in the air, stated "You don't have permission to search me" (#22)
- 8) Disputed. Gohre did not become "combative" with officers as his hands were in the air nor did Gohre swear at the officers. (#20, #22, #23, #24)
- 9) Disputed. Gohre was body slammed by an officer then assaulted while on the ground and cuffed (#24-28)
- 10) Disputed. No "Pat down" occurred. Gohre was assaulted and searched (#23-31)
- 11) Disputed. Gohre was already in custody (#20-31)
- 12) Disputed. Upon arriving at district 5 Gohre was finger printed, booked in, and made to sit on a bench for hours before being release

Dated this 6th day of ~~November~~, 2023

December


Demetrius Gohre
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